IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 751 OF 2007

Vijay Maruti Kamble ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr., Advocate for the applicant.
Mr., APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 8TH MARCH, 2007.

P.C.

. Applicant Vijay Kamble, who is working as a Junior Engineer with Mumbai Municipal Corporation, Mumbai, seeks anticipatory bail in Crime N0. 11/2007, registered by Anti Corruption Bureau. Worli, Mumbai, under the provisions of Prevention of Corruption Act. Heard Mr. Kocharekar, learned Counsel for the applicant and Mr. Nikam, learned APP. Perused the relevant documents. As per the report lodged by one Laxmikant with Anti Corruption Bureau on 29/1/2007, he is constructing a house. However, one Chandrakant Kamble, who is a Mukadam or Supervisor working in P North Ward, approached him and told him that he is making a construction without obtaining necessary permission and

the construction could be demolished. However, he told him that if he wanted to save the construction, he should pay Rs. 1 Lakh. This talk took place on mobile phone on 28/1/2007. The complainant expressed his difficulty to pay Rs. 1 lakh. Then said Chandrakant Kamble told the complainant that he was making the demand on behalf of the Junior Engineer, Mr. Kamble i.e. the present applicant and the amount could be reduced only by Junior Engineer Kamble. Finally, on mobile itself, 29/1/2007 at 10 a.m. it was decided that a meeting be held in the Hotel Ashray, liberty Garden, Malad. Accordingly, at 12.45 the complainant went to the said hotel. He found that Chandrakant Kamble was not present. Therefore, he contacted him on mobile and as instructed, the complainant went to hotel Ashok. When the complainant reached there, Chandrakant Kamble and present applicant both were present. The present applicant was introduced by Chandrakant Kamble and thereafter the present applicant made a demand or Rs. 1 Lakh. After complainant showed his inability to pay that much amount, the present applicant agreed to accept amount of Rs. 40,000/-. He also told the complainant to make the payment within two hours. Chandrakant Kamble also nodded and showed his approval to this

proposal. After this talk, the complainant approached the Anti Corruption Bureau. It appears that thereafter the complainant again contacted Chandrakant Kamble and agreed to pay Rs. 25,000/-. A trap was arranged and Chandrakant Kamble accepted the amount of Rs. 25,000/- on the same day at 9 P.M. Chandrakant Kamble came to be arrested. Present applicant, who is the Junior Engineer, claims to be innocent and prays for anticipatory bail. According to him, he is falsely implicated in this case and if he is arrested his career would be finished. Application is opposed on behalf of the prosecution.

2. From the record and the report lodged by first informant, it is clear that the demand of bribe was made by the present applicant and it was also settled by him only. Chandrakant was his close associate and for himself, as well as on behalf of the present applicant said Chandrakant accepted the amount. Mr. Kocharekar, learned Counsel for the applicant vehemently contended that the present applicant was on election duty from 15/1/2007 to 2nd February, 2007 and therefore, the allegations made against him appears to be false. However, record reveals that his duty was from 2 P.M.

to 10 P.M. and the settlement about the bribe amount had taken place at about 1 P.M. in the hotel, which is at the distance of 2 K.M. from the place of his duty .It also appears that the present applicant had clearly told the complainant to make the payment to Chandrakant Kamble on his behalf. In these circumstances, at this stage, it is difficult to accept the contention of the present applicant. As it is serious offence of corruption, it will not be in the interest of justice to grant anticipatory bail.

3. The application stands rejected.

(J.H. BHATIA, J.)